REMARKS

Claims 25 - 27 have been canceled in a prior amendment without prejudice or disclaimer of the subject matter thereof.

Claims 1 - 4, 8 - 12, 16 - 20 and 24 have been amended.

Claims 1 - 24 are present in the subject application.

In the Office Action of March 21, 2007, the Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §102(b) and has further rejected claims 1 - 24 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,905,973 (Yonezawa et al.). Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities. Each content entity is contained in a separate file object. A list or outline containing container and non-container identifiers defines the content, order and structure of the content object. This list or outline is stored as a separate file object. In addition, the present invention calculates the content object cost by estimating the amount of content it contains and determining a content cost based upon the content estimate. Optionally, a cost is assigned to each content entity in the data repository and these actual costs are summed as part of the cost estimation procedure.

In order to assist in an understanding of the present invention, the present invention features may be illustrated by the following example with respect to generation of a content

object in the form of a book. The book structure may include volumes each with one or more chapters, where each chapter, in turn, may include one or more sections. The content of the chapter sections resides in the data repository as individually accessible files each containing a section (or content entity). A user interface enables a user to manipulate, select and alter the book content. In other words, a user may construct and arrange the book (e.g., into volumes, chapters, sections, etc.) with content (e.g., text, images, etc.) selected from the data repository. In addition, the book's cost is calculated by estimating the amount of content it contains and determining a content cost based upon the content estimate. Optionally, a cost is assigned to each content entity in the data repository and these actual costs are summed as part of the cost estimation procedure.

The Examiner takes the position that the Yonezawa et al. patent discloses the claimed subject matter, except for the shopping basket being a collection of images and the price being determined from a content count. The Examiner further alleges that these features are obvious variations of the Yonezawa et al. patent.

This rejection is respectfully traversed. In order to expedite prosecution of the subject application, independent claims 1, 9 and 17 have been amended and recite the features of: each content entity being selectively associated with an actual content count representing the quantity of content within that content entity; generating from an estimated content count the price for the user to produce the user-defined content object with the selected content entities in response to a first set of conditions; and generating the price for the user to produce the user-defined content

object from the actual content counts of the selected content entities in response to a second set of conditions.

The Yonezawa et al. patent does not disclose, teach or suggest these features. Rather, the Yonezawa et al. patent discloses an online shopping system having a shopping basket function capable of conducting an order process in onetime by storing items to be purchased in a purchase list. An interface for the shopping basket function is provided as a shopping basket window separate from a catalog window for displaying item data of the online shopping. The shopping basket function includes a list of items to be purchased, a function to add item data to the list and a function to change the item information registered in the list (e.g., See Abstract). Fig. 3 shows an example of a consumer screen including a catalog browser window with item data or item catalog expressed by character or image (e.g., See Column 4, lines 56 - 65 and Column 6, lines 45 - 48). Fig. 4 shows the shopping basket including various information pertaining to an item scheduled for purchase (e.g., item code, item name, unit price, quantity of items, sub-total and total payment) (e.g., See Column 5, lines 13 - 25).

Thus, the Yonezawa et al. patent discloses an online shopping system to purchase items, where images of the actual purchasable items are displayed to the consumers. There is no disclosure, teaching or suggestion of generating from an estimated content count the price for the user to produce the user-defined content object with selected content entities in response to a first set of conditions; and generating the price for the user to produce the user-defined content object from the actual content counts of the selected content entities in response to a second set of

conditions as recited in the independent claims. In fact, the Yonezawa et al. patent simply produces a price based on an ordered quantity and the unit price for the actual item (Fig. 4).

The Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,768,521 (Dedrick). Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities as described above.

The Examiner takes the position that the Dedrick patent discloses the features within these claims.

This rejection is respectfully traversed. Initially, independent claims 1, 9 and 17 have been amended as discussed above in order to expedite prosecution of the subject application.

The Dedrick patent does not disclose, teach or suggest the above-discussed features within the independent claims. Rather, the Dedrick patent discloses a computer network system that contains a metering mechanism which can meter the flow of electronic information to a client computer within a network (e.g., See Abstract; Column 1, lines 62 - 65; and Column 2, lines 43 - 64). The information can be generated by a publisher and electronically distributed. The publisher/advertiser is provided with tools to create electronic information transmitted over the system (e.g., See Abstract; Column 1, lines 65 - 66; and Column 4, lines 26 - 51). The client computers each contain a graphical user interface to request consumption of the information (e.g., See Abstract; Column 2, lines 2 - 4; and Column 3, lines 13 - 30). The metering mechanisms control the transfer of information to the client computers (e.g., See Abstract; Column 2, lines 4 - 6; and Column 3, lines 46 - 59). Each unit of information has an associated

cost type and cost value that are used to calculate a price for the information (e.g., See Abstract; Column 2, lines 7 - 10; and Column 3, lines 60 - 63).

Thus, the Dedrick patent discloses a publisher creating information for access by an end-user and the price being calculated for the end-user to access or download that information. Since the information is pre-determined or pre-arranged by the publisher, there is no disclosure, teaching or suggestion of defining or creating a content object (e.g., book, album, video, multimedia object, etc.) by user selection and arrangement of content entities for the content object and calculating a price to produce the user-defined content object based on the content selected by the user as recited in the independent claims. In other words, the Dedrick patent determines a price to download pre-established information, whereas the claims recite a user selecting content for a content object (e.g., book, album, video, multimedia object, etc.) and determining a price for the selected content to produce the user-defined content object. Further, there is no disclosure, teaching or suggestion of generating from an estimated content count the price for the user to produce the user-defined content object with selected content entities in response to a first set of conditions, and generating the price for the user to produce the user-defined content object from the actual content counts of the selected content entities in response to a second set of conditions as recited in the independent claims.

Since the Dedrick patent does not disclose, teach or suggest the features recited in independent claims 1, 9 and 17 as discussed above, these claims are considered to overcome the Dedrick patent.

Claims 2, 10 and 18 depend, either directly or indirectly, from independent claims 1, 9 or 17 and include all the limitations of their parent claims. These dependent claims have been amended for consistency with their amended parent claims and are considered to overcome the Yonezawa et al. and Dedrick patents for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

The Examiner has rejected claims 3 - 6, 11 - 14 and 19 - 22 under 35 U.S.C. §103(a) as being unpatentable over the Dedrick patent, and as being unpatentable over the combination of the Yonezawa et al. and Dedrick patents. Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities as described above.

The Examiner takes the position that the features within these claims are obvious variations of the Dedrick patent. The Examiner takes the further position that the Yonezawa et al. patent discloses the claimed subject matter, except for character counts for the entities. The Examiner further alleges that the Dedrick patent discloses this feature and that it would have been obvious to combine the Yonezawa et al. and Dedrick patents to attain the claimed invention.

These rejections are respectfully traversed. Initially, claims 3 - 6, 11 - 14 and 19 - 22 depend, either directly or indirectly, from independent claims 1, 9 or 17 and include all the limitations of their parent claims. Claims 3 - 4, 11 - 12 and 19 - 20 have been amended for consistency with their amended parent claims. As discussed above, neither the Yonezawa et al. nor Dedrick patents disclose, teach or suggest the features of generating from an estimated

content count the price for the user to produce the user-defined content object with selected

content entities in response to a first set of conditions, and generating the price for the user to

produce the user-defined content object from the actual content counts of the selected content

entities in response to a second set of conditions as recited in the claims. Accordingly, claims 3 -

6, 11 - 14 and 19 - 22 are considered to overcome the Yonezawa et al. and Dedrick patents.

The Examiner has rejected claims 7 - 8, 15 - 16 and 23 - 24 under 35 U.S.C. §103(a) as

being unpatentable over the Dedrick patent in view of U.S. Patent No. 6,199,054 (Khan et al.).

Briefly, the present invention is directed toward a system, method and data storage device

for creating a content object from a group of content entities and calculating the content object

cost as described above.

The Examiner takes the position that the Dedrick patent discloses the claimed subject

matter, except for one of the content entities comprising user provided content. The Examiner

further alleges that the Khan et al. patent teaches this feature and that it would have been

obvious to combine the Dedrick and Khan et al. patents to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 7 - 8, 15 - 16 and 23 - 24 depend,

either directly or indirectly, from independent claims 1, 9 or 17 and, therefore include all the

limitations of their parent claims. Claims 8, 16 and 24 have been amended for consistency with

their amended parent claims. As discussed above, the Dedrick patent does not disclose, teach or

suggest the features of generating from an estimated content count the price for the user to

produce the user-defined content object with selected content entities in response to a first set of

conditions, and generating the price for the user to produce the user-defined content object from

the actual content counts of the selected content entities in response to a second set of conditions as recited in the claims.

The Khan et al. patent does not compensate for the deficiencies of the Dedrick patent. Rather, the Khan et al. patent discloses a system that monitors a data payload being transmitted in a secure form over the Internet and provides rate computations for delivery of the payload (similar to postage) and various services (e.g., encryption) (e.g., See Abstract; Column 2, lines 20 - 22). This patent is utilized by the Examiner for an alleged teaching of user provided content subject to price metering. However, the price metering relates to delivery of the payload, as opposed to production of a user-defined content object (e.g., book, album, video, multimedia object, etc.) based on user selected content.

Since the Dedrick and Khan et al. patents do not disclose, teach or suggest, either alone or in combination, the features recited in claims 7 - 8, 15 - 16 and 23 - 24, these claims are considered to overcome the rejection.

The Examiner has rejected claims 7, 15 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Yonezawa et al. patent in view of the Khan et al. patent, and claims 8, 16 and 24 under 35 U.S.C. §103(a) as being unpatentable over the Yonezawa et al. patent in view of the Khan et al. and Dedrick patents.

These rejections are respectfully traversed. Initially, claims 7 - 8, 15 - 16 and 23 - 24 depend, either directly or indirectly, from independent claims 1, 9 or 17 and, therefore include all the limitations of their parent claims. Claims 8, 16 and 24 have been amended for consistency with their amended parent claims. As discussed above, neither the Yonezawa et al., Dedrick nor
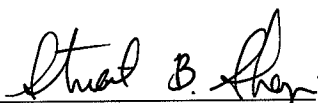
Khan et al. patents disclose, teach or suggest the features of generating from an estimated content count the price for the user to produce the user-defined content object with selected content entities in response to a first set of conditions, and generating the price for the user to produce the user-defined content object from the actual content counts of the selected content entities in response to a second set of conditions as recited in the claims. Accordingly, claims 7 - 8, 15 - 16 and 23 - 24 are considered to overcome the rejections.

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and Notice of Allowance is earnestly solicited.

Respectfully submitted,

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